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October 28, 2021

Hon. Mary Kay Vyskocil  
United States District Court  
500 Pearl Street  
New York, N.Y. 10007  
via ECF

Re: United States v. Xavier Arau  
21 Cr. 570 (MKV)

Your Honor

I write to request an adjournment of the conference in Xavier Arau's case which is currently scheduled for November 2, 2021. The defense needs additional time to obtain and review the discovery in this matter. Mr. Arau's ability to review discovery thus far has been limited by the ongoing lock-downs in MDC due to covid outbreaks, an institution-wide search for a gun, and the fact that Mr. Arau has limited access to a computer for the review. Significant additional time will be needed for future discovery review because, under the protective order, Mr. Arau is only permitted to review some of the material in the presence of counsel. I am scheduled to start a RICO conspiracy/homicide trial on November 10, 2021 that is expected to last through December, 2021.

Therefore, I request that the conference be adjourned to a date in January, 2022. Inasmuch as the adjournment would be for production of and defense review of discovery, the time between November 2, 2021 and the adjourn date should be excluded from speedy trial calculations.

The government, by Christopher Brumwell, Esq., consents to this application.

Respectfully,

*Lisa Scolari*

Lisa Scolari

**GRANTED. The status conference scheduled for November 2, 2021 at 10:00 AM is ADJOURNED to January 11, 2022 at 2:30 PM. In the interest of justice, all time from November 2, 2021 to January 11, 2022 is excluded under the speedy trial act. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendant in a speedy trial in that it will allow the government to complete its production of discovery materials; allow time for defense counsel to review discovery material in this case with Defendant and to consider whether there are any motions that are appropriate with respect to what has been produced; and for the parties to discuss a potential pretrial disposition of this matter. SO ORDERED.**

Date: 10/29/2021  
New York, New York

*Mary Kay Vyskocil*  
Mary Kay Vyskocil  
United States District Judge